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SEA

SERVICE DATE – DECEMBER 30, 2005

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-6 (Sub-No. 435X)

BNSF Railway Company – Abandonment Exemption – In Rock Island and Whiteside Counties, IL

STB DOCKET NO. AB-987X

Iowa, Chicago & Eastern Railroad Corporation – Discontinuance of Service Exemption– In Rock Island and Whiteside Counties, IL

BACKGROUND

In this proceeding, Burlington Northern & Santa Fe Railway Company (BNSF) and the Iowa, Chicago & Eastern Railroad Corporation (ICE) (jointly Applicants) have jointly filed a notice of exemption under 49 CFR 1152 Subpart F – Exempt Abandonments and Discontinuances of Service for BNSF to abandon, and for ICE to discontinue operating rights over 5.09 miles of BNSF owned railroad between milepost 20.31, near the Village of Albany, Rock Island County, and milepost 25.40, near the Village of Albany, Whiteside County, Illinois. The “Line” traverses United States Postal Service Zip Codes 61230, 61242 and 61252 and is approximately 120 miles west of Chicago, Illinois. BNSF and ICE have certified that no local traffic has moved over the line for at least two years and there is no overhead traffic to be rerouted. If the notice becomes effective, BNSF will be able to salvage track, ties and other railroad appurtenances, and dispose of the right-of-way. A map depicting the rail line in relationship to the area served is appended to this Environmental Assessment (EA).

DESCRIPTION OF THE LINE

The right-of-way for the line to be abandoned was originally acquired by the Mississippi Railroad Company, a predecessor of the Chicago Milwaukee St Paul & Pacific Railroad (CMSTP&P). The CMSTP&P sold its trackage interest to the Soo Line Railroad, which was later acquired by Canadian Pacific Railroad (CPR). In 1995, BNSF acquired the subject trackage from CPR. The line travels the entire length of the Village of Albany, and bisects the publicly-owned Stephen B. Hanks Boat Launch Area. The right-of-way is generally 100 feet in width and travels in a northeasterly direction through rural and urban landscapes. The gradient is relatively flat but portions of the right-of-way adjoin the Mississippi River levee system. Based on documentation in BNSF’s possession, the line does not contain any Federally-granted rights-of-way. If the abandonment becomes effective, the Applicants have indicated that the Village of

Albany has a strong interest in filing a Notice of Interim Trail Use to rail bank the corridor as a future link to the Great River Recreational Trail system.

ENVIRONMENTAL REVIEW

The Applicants submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. The Applicants served the environmental and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (the Board) environmental rules [49 CFR 1105.7(b)]. The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

As stated above, no traffic has moved on the line segment within the last two years. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

The Applicants notified planning agencies in both Whiteside and Rock Island Counties. The Whiteside County Planning and Zoning Department commented that the right-of-way has been designated as a future bike/walking path in their greenways and trails plan. They further indicated that the proposed trails use would not affect the environment or historical aspects of the alignment. The Applicants shall forward any correspondence from Rock Island County planning department to SEA as it becomes available.

The U.S. Department of Agriculture, Natural Resources Conservation Service commented that the subject abandonment would not have an adverse impact on prime farmland soils because much of the area has been previously disturbed. The only exception would be a segment of agricultural field northeast of the Village of Albany that contains approximately 1200 feet of the Faxon soil series, a prime farmland soil. SEA believes that the proposed abandonment would not impact the soil in question because all railroad salvage activities would be confined to the right-of-way where the soil has been previously disturbed.

It is anticipated that this proposed abandonment would not have an adverse impact on public health and safety because there would be no diversion of rail traffic to other modes of transport. Moreover, the Applicants indicate that signs and structures at six public at-grade crossings and three private at-grade crossings will be removed, thus eliminating distractions to motorists crossing the line. Short-term impacts on noise levels associated with salvaging activities would not be significant. The Applicants are not aware of any hazardous waste sites or hazardous materials spills along the line.

The Applicants state that the proposed abandonment is not subject to the Coastal Zone Management consistency requirements of 49 CFR 1105.9. According to the Coastal Zone Management Program for Illinois, coastal zone boundaries are confined to areas along Lake Michigan and select tributaries thereof. As such, no impact to this resource would be expected.

The Applicants have not provided any information on whether contact has been made with the National Geodetic Survey (NGS) for potential impacts to geodetic station markers. SEA has since added NGS to the service list for this proceeding to ensure they receive a copy of this EA for their comment. Additionally, SEA will recommend a condition requiring the Applicants to consult with the NGS at least 90 days prior to commencement of salvage activities in order to plan for possible relocation of any geodetic station markers.

The Applicants contacted the U.S. Fish and Wildlife Service (USFWS) to determine if the proposed abandonment would likely have an adverse impact on any Federally-listed species, or adversely modify any areas designated as critical habitats pursuant to Section 7 of the Endangered Species Act, as amended. USFWS provided a list of Federally-Threatened and Endangered Species and Designated Critical Habitats. Based on their review, the area may contain the following: the threatened eastern prairie fringed orchid (*Platanthera leucophaea*), the threatened prairie bush clover (*Lespedeza leptostachya*), the endangered Indiana bat (*Myotis sodalis*), the threatened bald eagle (*Haliaeetus leucocephalus*), the endangered Higgins eye pearlymussel (*Lampsilis higginsii*), and freshwater sheepsnose (*Plethobasus cyphus*) and spectaclecase (*Cumberlandia monodonta*) mussels, both Federal candidate species. USFWS indicates that the eastern prairie fringed orchid occupies mesic to wet grassland habitats. Although it has not been historically documented within the area of the proposed abandonment, USFWS recommends that the species be searched for whenever wet prairie remnants or wet meadows are encountered. The prairie bush clover occupies dry to mesic prairies with gravelly soil. Although it has not been historically documented within the subject area of the abandonment, USFWS recommends that the species be searched for whenever prairie remnants are encountered. The Indiana bat could potentially occur within any area with forested habitat. The bald eagle is listed as wintering in Whiteside and Rock Island Counties. Bald eagles roost together at night in large trees adjacent to rivers. Although there is no critical habitat designated for this species, they may not be harassed, harmed, or disturbed when present, nor may nest trees be cleared. The Higgins eye pearlymussel is listed to the north of Lock and Dam 20 on the Mississippi River. Rock Island County is included in this area, with possible expansion of the species to Whiteside County, upstream of Lock and Dam 22. The species prefers sand and gravel substrates in swift currents along the borders of main channels, as well as open flowing side channels. While there is no designated critical habitat, the Higgins Eye Recovery Team has designated Rock Island County as one of the habitat areas essential to the recovery of the species. The sheepsnose mussel prefers the shallow shoals of larger streams with moderate to swift currents in primarily coarse sand and gravel substrates. The spectaclecase mussel is primarily a large river species occurring in riverine microhabitats sheltered from main currents. Substrates range from mud to boulders in shallow riffles and shoals with slow to swift currents. USFWS indicates that if suitable habitat is found within the area of the proposed abandonment, surveys may be needed to determine if listed species are present. SEA will therefore recommend

a condition that the Applicants consult with the USFWS Rock Island Field Office prior to commencement of any salvage activities.

The Illinois Department of Natural Resources (ILDNR) commented that the proposed abandonment is within close proximity to IL Route 84, a National and State Scenic Byway. A portion of the railroad right-of-way, between milepost 20.31 and milepost 22.0, is included in the Levee District. ILDNR further comments that the rail right-of-way is located west of the Great River Trail, a 65 mile initiative of eleven cities, four townships, and three counties, including the Village of Albany. The trail is constructed on a portion of IL Route 84, and provides access to the Albany Mounds Historic Site. The Great River Trail is also identified in the Grand Illinois Trail, a 500 mile system comprised of Federal, State, and local interests. ILDNR indicates that the railroad right-of-way is adjacent to the USFWS Upper Mississippi River National Wildlife and Fish Refuge and that portions of the existing railroad right-of-way provide drainage to wetlands and seeps between milepost 20.31 and milepost 22.5. Lastly, ILDNR commented that over the past four years, they have consulted with BNSF on numerous occasions regarding a possible rails-to-trails conversion. Accordingly, ILDNR is in support of the proposed abandonment and subsequent conversion to trail use.

The U.S. Bureau of Land Management commented that there are no Federal lands administered through their office along the subject rail right-of-way. However, they indicate that some of the original railroad grants were limited fee rights-of-way which may be subject to the Railroad Right-of-Way Forfeiture and Abandonment Act of March 8, 1922, 43 U.S.C. § 912 (the 1922 Abandonment Act), and the National Trails System Improvement Act of October 4, 1988, Public Law 100-470, 16 U.S.C. § 1248 (c) - (f). Accordingly, SEA will recommend that the Applicants consult with the U.S. Bureau of Land Management, Eastern States Office, prior to commencement of any salvage activities.

The National Park Service (NPS) has not provided comments at the time this EA was prepared. Accordingly, SEA recommends that a condition be imposed requiring the Applicants to consult with the NPS prior to commencement of any salvage activities to determine if there would be any impacts to wildlife sanctuaries, refuges, and national parks or forests.

The U.S. Army Corps of Engineers (USACE) has not provided comments as to whether the proposed abandonment will require a permit under Section 404 of the Clean Water Act. Accordingly, SEA recommends that a condition be imposed requiring the Applicants to consult with the USACE prior to commencement of salvage activities, and report the results to SEA in writing.

The U.S. Environmental Protection Agency (USEPA) has not provided comments at the time this EA was prepared on impacts to Section 402 of the Clean Water Act. Therefore, SEA recommends that a condition be imposed requiring that Applicants to consult with the USEPA prior to commencement of salvage activities, and to report the results to SEA in writing.

HISTORIC REVIEW

The Applicants submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Illinois Historic Preservation Agency (SHPO), pursuant to 49 CFR 1105.8(c). The Applicants indicate that there are two bridges that are fifty years or older in age on the line that will be affected by the abandonment. Based on the Applicants' historic report, SEA is not certain whether there are any historic properties involved in the proposed abandonment that meet the criteria for listing on the National Register of Historic Places (National Register). The SHPO has not completed its evaluation of the potential impact of this project on historic resources. Accordingly, the Applicants shall retain their interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470 (f). The Applicants shall report to SEA the results of any consultations with the SHPO prior to commencement of any salvage activities.

SEA conducted a search of the National Park Service's Native American Consultation Database regarding tribes that may have an interest in the project. SEA is required to consult with tribes pursuant to 36 CFR 800.3(f)(2) to seek their input regarding any National Register eligible properties of traditional religious and cultural significance that may be affected by the proposed abandonment. The data base provides information on Federally recognized tribes that may have ancestral connections to the project area and may therefore have an interest in the project's potential impacts on any areas of tribal interest. The tribes include the Citizen Potawatomi Nation, the Forest County Potawatomi Community of Wisconsin, the Hannahville Indian Community Council, the Ho-Chunk Nation, the Prairie Band of Potawatomi Nation, the Sac & Fox Nation of Missouri, the Sac & Fox Nation of Oklahoma, the Sac & Fox Tribe of Mississippi in Iowa, the Winnebago Tribe of Nebraska, the Iowa Tribe of Kansas & Nebraska, and the Iowa Tribe of Oklahoma. SEA has added the tribes to the service list for this proceeding to ensure they receive a copy of this EA for their comment.

CONDITIONS

We recommend that the following conditions be placed on any decision granting abandonment authority:

1. Prior to commencement of any salvage activities, the Burlington Northern & Santa Fe Railway Company (BNSF) and the Iowa, Chicago & Eastern Railroad Corporation (ICE) (jointly Applicants), shall consult with the Rock Island County Planning Department regarding impacts to land use.
2. Prior to commencement of any salvage activities, the Applicants shall consult with the National Geodetic Survey to determine if any geodetic station markers may be affected by the proposed abandonment. In the event any station markers are identified, the Applicants shall notify the National Geodetic Survey 90 days prior to

the onset of salvage activities in order to plan for possible relocation by the National Geodetic Survey. The Applicants shall report the results of these findings in writing to the Board's Section of Environmental Analysis (SEA)

3. Prior to commencement of any salvage activities, the Applicants shall consult with the U.S. Fish and Wildlife Service regarding potential impacts from salvaging activities to Federally-listed threatened or endangered species that may occur in the vicinity of the line. The Applicants shall report the results of these consultations in writing to SEA prior to the commencement of salvage operations.
4. Prior to commencement of any salvage activities, the Applicants shall consult with the Bureau of Land Management to determine if the proposed abandonment is subject to any original railroad grants with limited fee rights-of-way pursuant to the Railroad Right-of-Way Forfeiture and Abandonment Act, 43 U.S.C. § 912.
5. Prior to commencement of any salvage activities, the Applicants shall consult with the National Park Service to determine if there will be any impacts to wildlife sanctuaries, refuges, national parks, or forests.
6. Prior to commencement of any salvage activities, the Applicants shall consult with the U.S. Army Corps of Engineers (USACE) to determine whether a USACE permit under Section 404 of the Clean Water Act, 33 U.S.C. § 1344, is required. The Applicants shall report the results of these findings in writing to the SEA.
7. Prior to commencement of any salvage activities, the Applicants shall consult with the U.S. Environmental Protection Agency (USEPA) to ensure any concerns regarding potential contamination of the right-of-way and the need for a Section 402 stormwater permit are addressed. The Applicants shall report the results of these consultations in writing to SEA.
8. The Illinois Historic Preservation Agency (SHPO) has not completed its evaluation of the potential impact of this project on historic resources. Accordingly, the Applicants shall retain their interest in and take no further steps to alter the historic integrity of all sites and structures on the right-of-way that are eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470 (f). The Applicants shall report back to SEA in writing the results of any consultations with the SHPO.
9. In the event that any archaeological sites, human remains, funerary items or associated artifacts are discovered during the railroads salvage activities, the Applicants shall immediately cease all work and notify SEA, interested Federally recognized tribes, and the Illinois Historic Preservation Agency (SHPO). SEA shall then consult with the SHPO, interested Federally recognized tribes, and the Applicants to determine whether any mitigation measures are necessary.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended conditions are imposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), and discontinuance of service without abandonment. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Diana Wood, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-6 (Sub-No. 435X) and Docket No. AB-987X in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Diana Wood, the

environmental contact for this case, by phone at (202) 565-1552, fax at (202) 565-9000, or e-mail at woodd@stb.dot.gov

Date made available to the public: December 30, 2005.

Comment due date: **January 17, 2006.**

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment